GAHC010243482026

2026:GAU-AS:16242

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./3528/2026

RAFIKUL KHAN
SO KURFAN KHAN, RO VILL GOMAFULBARI, PS TARABARI, DIST BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP

Advocate for the Petitioner : MD A ALI, MR N ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

05.11.2026

Heard Mr. N. Islam, learned counsel for the accused and Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 483 of the BNSS, 2023, is preferred by the

accused, namely, **Rafikul Khan**, who has been languishing in jail hajot since 04.09.2026, in connection with Tarabari P.S. Case No. 54/2026, registered under Sections 21(b)/29 of the NDPS Act, 1985, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Biswajit Das, S.I. of Police, Tarabari Police Station, on 03.09.2026.

4. The essence of allegation against the accused in the FIR dated 03.09.2026, is that acting on a tipoff, the informant and staff have intercepted a vehicle, bearing Registration No. AS15-W-2235, and found one Imran Khan as driver and one Rafikul Khan as passenger. And after conducing search, 6.53 grams of suspected Heroin was recovered from the possession of Rafikul Khan, the present accused.

5. Mr. Islam, learned counsel for the accused submits that the accused was arrested on 04.09.2026, and since then, he has been languishing in jail hajot for the last 63 days. He also submits that till date, no charge-sheet has been submitted by the I.O. and that the quantum of contraband substance recovered from the possession of the accused is of intermediate quantity and under such circumstances, he has contended to allow this application.

6. Per contra, Mr. Sarma, learned APP, submits that as per his instruction, the I.O. has already completed investigation and submitted charge-sheet, vide charge-sheet No. 57/2026, dated 30.09.2026. And since charge-sheet has been submitted by the I.O. after completion of investigation, Mr. Sarma has opposed the application.

7. Having heard the submission of the learned counsel for both the parties, this Court has carefully gone through the application and the documents placed on record.

8. It appears that the accused has been arrested on 04.09.2026, and since then, he has been languishing in jail hajot for the last 63 days. It also appears that the quantum of contraband substance which has allegedly been recovered from the possession of the accused, is of 6.53 grams and in the meantime, investigation of the case has also been completed and charge-sheet has been submitted before the learned Court below. Now trial will start and the accused has to prepare his defence.

9. Under the given facts and circumstances, this Court is of the view that further custodial detention of the accused may not be warranted in the interest of investigation. And accordingly, this Court is inclined to allow this petition.

10. It is provided that on furnishing a bond of Rs. 20,000/-, with one surety each of the like amount, to the satisfaction of the learned Special Judge (NDPS), Barpeta, the accused shall be enlarged on bail.

11. In terms of the above, this Bail Application stands disposed of.

JUDGE

Comparing Assistant